

**PETITION TO THE EUROPEAN PARLIAMENT FOR THE RESPECT OF THE
FUNDAMENTAL VALUES OF THE EUROPEAN UNION
(IN PARTICULAR OF THE RULE OF LAW)**

04/03/2020

WE, THE EUROPEAN CITIZENS,

CONSIDERING:

- that the European Union is founded on the respect for certain fundamental values enshrined in the Lisbon Treaty, such as democracy, equality, the rule of law, human rights, including the rights of persons belonging to minorities (art. 2 TEU);
- that the rule of law implies respect for the principle of the separation of powers and, consequently, of the independence of judges vis-à-vis the executive power;
- that member states of the Union are committed to respecting and promoting these fundamental values, which also represent a “conditio sine qua non” for the accession of new states to the European Union (art. 49 TEU);
- that the European Union would not be credible in demanding compliance with these fundamental values on the part of candidate countries if it were not as demanding in checking their compliance on the part of its own member states;
- that respect for the rule of law in particular is of vital importance for the progress of European integration, because the judicial area of the Union is based on the principle of mutual trust and on the mutual recognition of national judicial decisions;
- that the legal order of the European Union recognizes that all national judges have the right to address the Court of Justice of the EU in all cases where the application of European law is called into question;
- that calling into question the independence of national judges would be tantamount to depriving European citizens of their fundamental rights;
- that certain member states of the Union (Poland and Hungary) are currently subject to the procedure provided for in art. 7 TEU concerning the risk of violation of the rule of law;
- that the Polish government has been the subject of an infringement procedure by the European Commission under art. 258 TFEU for breach of its obligations under the Treaty;
- that this procedure ended with a judgment of the European Court of Justice holding the reform of the Polish judicial order contrary to European law and reaffirming the obligation for the member states to respect the independence of national judges;
- that the Polish government has embarked on a new reform of the national judicial system aimed at limiting the right of Polish judges to seize the European Court of Justice and providing for the possibility of sanctioning and dismissing judges if they fail to do so;

- that a Committee of European citizens presented on April 8, 2019 a citizens' initiative on the respect of the rule of law asking the European Commission to present a legislative proposal aiming to set up an objective legal evaluation mechanism to facilitate a decision on the respect of the rule of law within the EU; this mechanism should allow the involvement of the EP, national parliaments and the Vienna Agency on fundamental rights in the evaluation of measures taken by national governments;
- that the President of the European Commission (Ursula Von der Leyen) committed, in her political guidelines exposed to the EP in July 2019 as well as in her “mission letter” to Commissioner Reynders, to propose the creation of a mechanism for the assessment of the rule of law;
- that a network of non-governmental civil society organizations, gathered in Milan on December 14, 2019, and reached a common position on the need to strengthen the protection of the fundamental values of the European Union and to initiate a democratic procedure in order to build a more solid, fair and “resilient” Union;
- that the Conference on the future of Europe which will open in May 2020 should allow for a revision of the Treaties for exactly this purpose.

WE EUROPEAN CITIZENS ASK THE EUROPEAN PARLIAMENT:

- to ask the European Commission, under art. 225 TFEU, to present, within three months of the request, a legislative proposal aiming at the creation of a mechanism for the evaluation by member states of the fundamental values enshrined in art. 2 of the Treaty (and in particular the rule of law). Such a proposal must allow the Union's institutions to systematically examine, make recommendations and, if necessary, sanction any violation of the fundamental values of the Union; such a mechanism must allow the involvement of the European Parliament, the national parliaments and the Union Agency for Fundamental Rights in the assessment of possible violations of art. 2 of the Treaty;
- to also ask the European Commission to immediately introduce any necessary infringement procedure against any member state which violates the values enshrined in article 2 TEU;
- to monitor the situation regarding compliance with art. 2 TEU in Poland, Hungary and all other member states and take the necessary initiatives to guarantee the respect of said article within the European Union;
- to give its support to the European Commission's proposal to condition the granting of European funds to the respect of the fundamental values of the Union;
- to work within the Conference on the future of Europe which will open in 2020 so that a reform of the Treaties makes it possible to confer on the European Court of Justice the competence to sanction possible violations of fundamental values of the Union and to strengthen in this respect the competences of the Agency for Fundamental Rights of the Union;
- to examine the possibility of introducing into the new Treaty a provision allowing the suspension of a Member State (in accordance with art.8 of the Council of Europe and in art. 5 of the Charter of the United Nations).

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MOVIMENTO EUROPEO CONSIGLIO ITALIANO

SUPPORTERS:

Members of the Citizens' Committee for Citizens' Initiative on the Rule of Law (plus other possible members)

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THE FOLLOWING ORGANIZATIONS:

(The 51 NGOs which adhered to the Milan Declaration of December 14, 2019)

EUROPEAN MOVEMENT-ITALY-ME/IT, ACCADEMIA EUROPEISTA DEL FRIULI VENEZIA GIULIA, AGORÀ LIBERALE, ALLEANZA ITALIANA PER LO SVILUPPO SOSTENIBILE-ASviS, ASSOCIAZIONE DI PROMOZIONE SOCIALE-ACMOS, ASSOCIAZIONE EUROPEA DEGLI INSEGNANTI-AEDE, ASSOCIAZIONE GIORNALISTI EUROPEI-AGE, ASSOCIAZIONE ITALIANA PER IL CONSIGLIO DEI COMUNI E DELLE REGIONI D'EUROPA-AICCRE, ASSOCIAZIONE LUCA COSCIONI, ASSOCIAZIONE NAZIONALE DONNE ELETTRICI-ANDE, ASSOCIAZIONE RICREATIVA E CULTURALE ITALIANA-ARCI, ASSOCIAZIONI CRISTIANE LAVORATORI ITALIANI-ACLI, CITTADINANZATTIVA-ACTIVE CITIZENSHIP NETWORK, CIVICO EUROPA, COLLEGAMENTO ITALIANO DI LOTTA ALLA POVERTA'-CILAP, CONFEDERAZIONE ITALIANA AGRICOLTORI-CIA, DEMOCRACY INTERNATIONAL, ECIT FOUNDATION, EUDEM, EUMANS, EUROPA ECOLOGIA, EUROPE AMBITION 2030, EUROPEAN ANTI POVERTY NETWORK-NEDERLAND, EUROPEAN ASSOCIATION FOR LOCAL DEMOCRACY-ALDA, EUROPEAN EXPRESSION, EUROPEAN FUTURE FORUM, EUROPEAN PARTNERS FOR ENVIRONMENT-EPE, FEDERALISTES D'ESQUERRES, FEDERAZIONE ITALIANA INSEGNANTI DI SCUOLA MEDIA-FNISM, FONDAZIONE A.J. ZANINONI, FONDAZIONE BENVENUTI IN ITALIA, FONDAZIONE ROMA EUROPEA, FORUM ITALO-TUNISINO PER LA CITTADINANZA EURO-MEDITERRANEA, GIOVENTU' FEDERALISTA EUROPEA-GFE, INFOCIVICA, ISTITUTO DI STUDI SUL FEDERALISMO E L'UNITA EUROPEA PARIDE BACCARINI, LEGA DELLE AUTONOMIE LOCALI-ALI, LEGAMBIENTE, MAGISTRATS EUROPÉENS POUR LA DÉMOCRATIE ET LES LIBERTÉS-MEDEL, MOVIMENTO FEDERALISTA EUROPEO-MFE, NEW EUROPEANS, ONEDEMOS.EU, +EUROPA, PROGETTO DOMANI: CULTURA E SOLIDARIETÀ – PRO.DO.C.S., RADICALI ITALIANI, RETE PER LA DEMOCRAZIA LIBERALE, SAUVONS L'EUROPE, SCIENCE FOR DEMOCRACY, SINDNOVA, STIFTUNG FRIEDLICHE REVOLUTION, THE LAND BEYOND GREEK NGO, VOLT ITALIA.